IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 916 OF 2006
IN
NOTICE OF MOTION NO. 3286 OF 2006
IN
SUIT NO. 2604 OF 2006

M/s. Jyoti Builders .. Appellants.

V/s.

Margdarshan Co-op.Hsg.Society Ltd. .. Respondents.

Mr.Janak Dwarkadas with Mr.Zal Andhyarujina i/by Mr.Raj Baid for the Appellants.

Mr.S.P.Nagvenkar for the Respondents.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 22nd DECEMBER, 2006.

P.C.:

. Mr. Janak Dwarkadas, senior counsel for the Appellants submits that the appellants have been advised to seek leave for amendment in the plaint by challenging the resolution of the General Body at its meeting held on 10th of August, 2003 and in that backdrop re-apply for grant of ad-interim relief.

2. The counsel for the Respondents does not have any objection to the course suggested by Mr.Janak Dwarkadas but he submits that the Respondents shall be free to oppose such prayer on all available grounds.

3. In view of the submissions of the parties, we dismiss the Appeal as withdrawn with liberty to the Appellants (Plaintiffs) to seek leave to amend the plaint by challenging the resolution of the General Body at its meeting held on 10th of August, 2003 and re-apply for interim/ad-interim relief. Obviously, such application shall be considered by the single Judge in accordance with the law after hearing the Respondents, who would be entitled to oppose such application on all available grounds.

4. Order accordingly.

(R.M.LODHA,J.)

(S.A.BOBDE,J.)

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